

a\*9-8-109(d)  
a\*9-8-112(h)(1)

AN ACT to amend Tennessee Code Annotated, Section 9-8-109(d) and Section 9-8-112(h)(1), relative to defending state employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 9-8-109(d), is amended by deleting it in its entirety and by substituting instead the following:

Expenses attributable to defending state employees pursuant to title 8, chapter 42, part 1, and to defending the state pursuant to title 9, chapter 8, part 3 shall be paid from the claims award fund. Further, expenses of the division of claims administration, the Tennessee claims commission and the department of treasury's casualty risk program shall also be paid from the claims award fund. The expenses pursuant to this subsection are subject to annual appropriations and title 9, chapter 6. Subsequent to the close of each fiscal year, the attorney general and reporter shall provide to the state board of claims a report describing the manner in which funds received from the claims award fund were used in defending actions brought against the state and its employees.

SECTION 2. Tennessee Code Annotated, Section 9-8-112(h)(1), is amended by adding the following after the first sentence thereof:

Notwithstanding the foregoing, the board of claims may, in its sole discretion, reduce the reimbursement provided in this subsection if the board finds a circumstance to exist which makes such a reduction proper and just. Such a circumstance may include, but is not limited to, the failure of the officer or employee to fully cooperate in the investigation and defense of the litigation.

SECTION 3. This act shall take effect on July 1, 1995, the public welfare requiring it.

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